IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 26671 of 1995

Between:

1 P. Subramanyam, s/o Manikyam,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
2 G. Krishnaiah, s/o Sehaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
3 M. Munaiah, s/o Laxmaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
4 Vemu Krishnaiah, S/o Ragavulu,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
5 S. Subbanaidu, s/o Ramanaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
6 S. Nagaraju, S/o N. Subbaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
7 G. Gnanamma, W/o Papaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
8 K. Venkata Subbaiah, s/o Rama Naidu,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
9 P. Bakkaiah, s/o Chengaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
10 P. Peddaiah, s/o Venkataiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.
11 P. Erraiah, s/o Erraiah,
R/o Pellakur (V), Pellakur (M),

Nellore Dist.

12 N. Chengal Rayudu, s/o Bangaraiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.

13 M. Chengaiah, s/o Gangaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.

14 B. Gopaiah, s/o Venkata subbaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.

15 K. Krishnaiah, s/o Penchalaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.

16 Gandeti Venkata Subbaiah, S/o Subbaiah,
R/o Pellakur (V), Pellakur (M),
Nellore Dist.

..... PETITIONERS

AND

1 The Dist Collector,
Nellore Dist.

2 The Additional Revenue Divisional Officer (Land Reforms)
Nellore Dist.

3 The Mandal Revenue Officer
Pellakur, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, declaring the action of the respondents in proposing to assign the lands of the petitioners (Statutory tenants) as shown in Annexure -A in Survey No. 1/1 situated at Pellakuru Vilage, Pellakuru (M), Nellore Dist as arbitrary illegal and further restrain the respondents from taking any action in this regard.

Counsel for the Petitioners: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent Nos 1 to 3.: GP FOR REVENUE

The Court made the following:

ORAL ORDER:-

The writ petition has been filed seeking a direction against the respondents that they should not assign the land in possession of the petitioners to anybody else. On the face of the writ petition, it is premature. The ground taken in the writ petition is that the petitioners are statutory tenants and their right, as tenants, have become final in terms of the order of the Land Reforms Appellate Tribunal, Nellore dated 13-04-1995.

The respondents, on the other hand, contend that the land was excess land and had been surrendered to the Government by its owner. These are questions, which cannot be gone into by this court in this writ petition. Since the Government has not taken over the land and the issuance of proceedings proposing to assign the land to

others have not been issued, the writ petition is premature. However, if the respondents decided to assign the land to somebody else, they shall take into consideration all the relevant material, including the order of the Tribunal. The writ petition is, accordingly, dismissed. No costs.

BILAL NAZKI, J

Dated: 23-09-2004

Pvks/*

To

1 The Dist Collector,
Nellore Dist.
2 The Additional Revenue Divisional Officer (Land Reforms)
Nellore Dist.
3 The Mandal Revenue Officer
Pellakur, Nellore Dist.

4.2CCs to the Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

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